

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ludger GRAUTE et al.  
US National Stage Serial No.:  
10/ 555,305  
Confirmation No. 4991  
Int'l Appl. No: PCT/DE2004/000917  
Int'l Filing Date: 30 APRIL 2004  
For: MULTIFUNCTIONAL LEVER

Atty Docket No. KKRT-00601-NUS  
Art Unit: 3673  
Examiner: LUGO, CARLOS  
Paper Type: Appeal Brief  
Date transmitted: 09/03/09

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

***By EFS-Web Only***

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being transmitted to the  
U.S. Patent and Trademark Office via EFS-Web on **03 SEP 2009**.

\_\_\_\_\_  
/Sophie Chen/

SOPHIE CHEN

**APPEAL BRIEF**

SIR:

As required under 37 C.F.R. § 41.37(a)(1), this brief is filed within two months from the date of filing the notice of appeal under 37 C.F.R. § 41.31. **The fees required under 37 C.F.R. § 41.37 (a)(2), and § 41.37 (b)(2) were paid on 10/29/08. Accordingly, no additional fees are believed to be due.** However, if this belief is in error, the Director is hereby authorized to charge any fees due to **Deposit Account No. 503182**. Should an extension of time be required, Applicants hereby petition for same and request that petition fees be charged as above.

This Brief contains items under the following headings as required by 37 C.F.R. § 41.37 (c)(1) and M.P.E.P. § 1205.02:

- I. Real Party in Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- VIII. Claims Appendix
- IX. Evidence Appendix
- X. Related Proceedings Appendix

### **I. REAL PARTY IN INTEREST**

The real party in interest for this appeal is KIEKERT AKTIENGESELLSCHAFT, the assignee of record of the entire right, title, and interest in the present application, as evidenced by the assignment document recorded in the United States Patent and Trademark Office on December 14, 2005, at Reel No. 016889 and Frame No. 0871.

### **II. RELATED APPEALS AND INTERFERENCES**

There are no prior or pending appeals, interferences or judicial proceedings known to the appellant which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

### **III. STATUS OF CLAIMS**

#### **A. Total Number of Claims in Application**

There are 26 claims pending in application.

#### **B. Current Status of Claims**

1. Claims canceled: 1-10
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 11-36
4. Claims allowed: none
5. Claims allowable (objected to): none
6. Claims rejected: 11-36

#### **C. Claims on Appeal**

The claims on appeal are 11-36.

#### **IV. STATUS OF AMENDMENTS**

Appellant did not file an Amendment after Final Rejection.

#### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

##### **Independent claim 11**

The invention is directed in independent claim 11 to a multifunctional lever comprising: a basic lever (1) for performing an actuating function (the basic lever being disclosed in Figs. 1-3 with the reference numeral 1 and being disclosed in the specification filed on 11/02/05 in paragraphs [0012], [0024] in lines 1-7, and [0026], with the actuating function being described in paragraph [0025] in lines 9-17); and one or more lever element(s) (2, 3) for performing one or more actuating functions (the one or more lever element(s) being disclosed in Figs. 2-3 with the reference numerals 2, 3 and being disclosed in the specification in paragraphs [0012] through [0016], and [0024] through [0026], with the actuating functions being described in paragraph [0025] in lines 9-17); said basic lever (1) and at least one said lever element(s) (2, 3) being separate parts (the separateness of parts being indicated by rivets in Fig. 2 and being indicated in the specification in paragraphs [0024] in line 5, [0026] in line 6, and [0034] in line 2); and said basic lever (1) and said lever element(s) (2, 3) being rigidly and inseparably connected together (the rigid and inseparable connection being indicated by rivets in Fig. 2, and being indicated in the specification in paragraphs [0016], [0024] in last two lines, and [0027] in the first two lines).

##### **Independent claim 20**

The invention is directed in independent claim 20 to a multifunctional lever comprising: a basic lever (1) for performing an actuating function (the basic lever being disclosed in Figs. 1-3 with the reference numeral 1 and being disclosed in the specification filed on 11/02/05 in paragraphs [0012], [0024] in lines 1-7, and [0026], with the actuating function being described in paragraph [0025] in lines 9-17); and one or more additional lever(s) (2, 3) for performing one or more actuating functions (the one or more lever element(s) being disclosed in Figs. 2-3 with the reference numerals 2, 3 and being disclosed in the specification in paragraphs [0012] through

[0016], and [0024] through [0026], with the actuating functions being described in paragraph [0025] in lines 9-17); wherein at least one said additional lever(s) (2, 3) are riveted, bolted, clipped, snapped-in, welded or glued to said basic lever (1) (the riveting, bolting, clipping, snapping-in, welding or gluing of said additional lever(s) to said basic lever (1) being indicated by rivets in Fig. 2 and being disclosed in the specification in paragraphs [0013], [0021], [0024] in lines 10-11 and 16-17, [0025] in lines 19-21, [0027] in lines 7-8, and [0031] in lines 3-6).

#### Independent claim 29

The invention is directed in independent claim 29 to a vehicle door latch comprising: a catch (10) (the catch being disclosed in Figs. 1 and 3 with the reference numeral 10 and being disclosed in the specification filed on 11/02/05 in paragraphs [0017] in line 2, [0025] in line 2, [0028] in line 5, [0030] in line 8, [0031] in line 3, [0032] in line 2, and [0035] in line 3); a pawl (4) (the pawl being disclosed in Figs. 1-3 with the reference numeral 4 and being disclosed in the specification in paragraphs [0017] in line 2, [0025] in lines 2-3 and 9-12, [0028] in line 4, [0030] in line 7, [0031] in line 3, [0032] in line 2, and [0035] in line 2); a basic lever (1) for performing an actuating function (the basic lever being disclosed in Figs. 1-3 with the reference numeral 1 and being disclosed in the specification in paragraphs [0012], [0024] in lines 1-7, and [0026], with the actuating function being described in paragraph [0025] in lines 9-17); and one or more additional lever(s) (2, 3) for performing one or more actuating functions (the one or more lever element(s) being disclosed in Figs. 2-3 with the reference numerals 2, 3 and being disclosed in the specification in paragraphs [0012] through [0016], and [0024] through [0026], with the actuating functions being described in paragraph [0025] in lines 9-17); said basic lever (1) and said additional lever(s) (2, 3) being separate parts (the separateness being indicated by rivets in Fig. 2 and being indicated in the specification in paragraphs [0024] in line 5, [0026] in line 6, and [0034] in line 2); and said basic lever (1) and said additional lever(s) (2, 3) being rigidly and inseparably connected together (the rigid and inseparable connection being indicated by rivets in Fig. 2, and being indicated in the specification in paragraphs [0016], [0024] in last two lines, and [0027] in the first two lines).

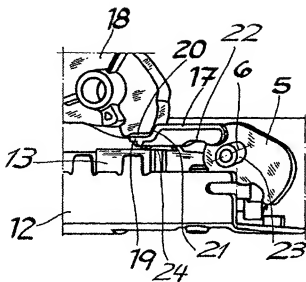
## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Whether claims 11-36 are unpatentable over claim 17 of U.S. Patent No. 7,413,224 to Graute.
2. Whether claims 11-36 are indefinite under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Whether claims 11-28 are anticipated by U.S. Pat. No. 4,739,896 to Moss ("Moss").
4. Whether claims 11-36 are unpatentable under 35 U.S.C. 103(a) over U.S. Pat. No. 6,641, 184 to Erices et al. ("Erices '184") in view of U.S. Pat. No. 4,739,896 to Moss ("Moss").

## **VII. ARGUMENT**

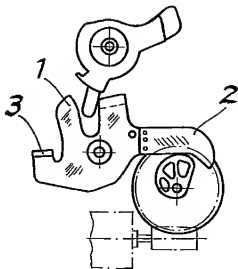
1. **Whether claims 11-36 are unpatentable over claim 17 of U.S. Patent No. 7,413,224 to Graute.**

Claim 17 of U.S. Patent No. 7,413,224 is directed to "a vehicle door latch with a locking mechanism (1, 2) comprising a catch (1) having a first axis of rotation (7) and being movable between an open position and a closed position; a pawl (2); an intermediate element (5) abutting said catch (1) and having a second axis of rotation (6); a blocking element (17); and a locking lever (18) having a first recess (20) for engaging said blocking element (17) and being movable between a locking position and an unlocking position; wherein said blocking element (17) is connected to said intermediate element (5); said blocking element (17) and said intermediate element (5) taken together form a crank mechanism; if said catch (1) is in said open position, said blocking element (17) is in said unlocking position and said blocking element (17) prevents said locking lever (18) from being moved to said locking position; and said blocking element (17) is welded to said intermediate element (5). (See figure below, Fig. 4 of U.S. Patent No. 7,413,224).



1.1 Independent claims 11, 20, and 29, and dependent claims 12-19, 21-28, and 30-36

Appellant's independent claims 11, 20, and 29, and dependent claims 12-19, 21-28, and 30-36 teach a multifunctional lever (or a vehicle door latch) comprising a basic lever (1) for performing an actuating function; and one or more lever element(s) (2, 3) for performing one or more actuating functions. (See figure below, Appellant's Fig. 2 with extraneous reference numbers removed for clarity).



Claim 17 of U.S. Patent No. 7,413,224 does not teach all the claim limitations of Appellant's claims. Specifically, while in the '224 patent, the blocking element (17) prevents the locking lever (18) from being moved to the locking position, the blocking element (17) does not carry out any actuating functions. Since at least that limitation of the pending claims is not taught or recited, claim 17 of the '224 patent does not render the pending claims 11-36 unpatentable.

### 1.2 Dependent claims 16 and 25

Appellant's claims 16 and 25 teach additionally that the multifunctional lever comprises three or more lever elements. Claim 17 of U.S. Patent No. 7,413,224 does not teach this claim limitation because even assuming *arguendo* that the blocking element (17) carried out an actuating function and that the combination of the blocking element (17) and the intermediate element (5) read on claims 11 and 20, there would still be only 2 lever elements and not three or more as required by Appellant's claims 16 and 25. Since at least that limitation of the pending claims is not taught or recited, claim 17 of the '224 patent does not render the pending claims 16 and 25 unpatentable.

### 1.3 Dependent claims 17 and 26

Appellant's claims 17 and 26 teach additionally teach that the basic lever (1) and one or more lever elements (2, 3) share an axis of rotation. This limitation requires that the basic lever and one or more lever elements rotate around one and the same axis. Claim 17 of U.S. Patent No. 7,413,224 does not teach this claim limitation because in the '224 patent, the blocking element (17) and the intermediate element (5) taken together form a crank mechanism, wherein the intermediate element (5) rotates around the axis of rotation (6) but the blocking element (17) does not rotate around the same axis; rather the blocking element (17) moves linearly between a locking position and an unlocking position. Since at least that limitation of the pending claims is not taught or recited, claim 17 of the '224 patent does not render the pending claims 17 and 26 unpatentable.

**2. Whether claims 11-36 are indefinite under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

A. Applicant has not stated that the invention is something different from what is defined by the claims.

The first requirement set forth in the second paragraph of 35 U.S.C. 112 is that the claims must set forth the subject matter that Applicant regards as his invention. The focus of the inquiry is on whether somewhere other than in the Application as filed, the Applicant has stated that the invention is something different from what is defined in the claims. Applicant has not made any such statements and the Examiner has not referred to any such statements by the Applicant in making his rejection. Specifically, Applicant claims the limitations of “a basic lever (1) for performing an actuating function” and “one or more lever element(s) (2, 3) for performing one or more actuating functions,” and these are precisely the limitations that Applicant intends to claim. Accordingly, the invention set forth in the claims must be presumed to be that which Applicant regards as his invention. In re Moore, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971).

B. The limitations in the claims meet the threshold requirement of clarity and precision.

The second requirement set forth in the second paragraph of 35 U.S.C. 112 is that the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant. The focus of the inquiry is on whether the claims meet the threshold requirements of clarity and precision, i.e., whether they define the patentable subject matter with a reasonable degree of particularity and distinctness.

Applicant's claim limitations of “a basic lever (1) for performing an actuating function” and “one or more lever element(s) (2, 3) for performing one or more actuating functions” apprise one of ordinary skill in the art of the claim scope and provide clear warning to others as to what constitutes infringement of the patent; thus, the claims define the patentable subject matter with a



reasonable degree of particularity and distinctness, and particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

The Examiner appears to argue that because Applicant has not specified which actuating functions are performed by the basic lever and the lever elements, it is unclear what the applicant is trying to claim. (Final Office Action, page 2, lines 14-15, “What are the actuating functions? And in which environment (lock system)?”) The position of the Examiner is untenable. Applicant is claiming a machine comprising “a basic lever (1) for performing an actuating function” and “one or more lever element(s) (2, 3) for performing one or more actuating functions.” The specific identity of the actuating functions is not being claimed nor is it necessary to claim it in order to provide clarity and precision.

Actuating functions are well-known in the art and a skilled artisan would understand that the basic lever and the lever elements may perform actuating functions, e.g., in the nature of putting into motion or activating an element that is or is not a part of the machine being claimed. In addition, Applicant has given ample examples in the specification of actuating functions that can be carried out by the basic lever and the lever elements. See, e.g., [0025] (particularly, lines 3, 6, and 12), [0028] (particularly lines 3-5, first actuating function: dropping the pawl into a primary position, second actuating function: lifting the pawl out of the primary position), [0029] (lines 3-4, the actuating functions of putting into motion an internal or external release lever or a central locking element), and [0032] (lines 3-7, the actuating functions of opening the locking mechanism with the aid of external or internal release levers).

C. The breadth of limitations is not indefiniteness.

In making the rejection under 35 U.S.C. 112, second paragraph, the Examiner also argues that the claims are broad. (Final Office Action, page 2, line15, “The claims are BROAD.”) However, breadth of a claim is not to be equated with indefiniteness. In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). Because the scope of the subject matter as claimed is clear, and Applicant has

not otherwise indicated that he intends the invention to be of a scope different from that defined in the pending claims, the claims comply with 35 U.S.C. 112, second paragraph.

D. Requiring one or more additional levers (2, 3) separate from and connected to the basic lever (1) do not make claims indefinite.

The Examiner argues that requiring one or more additional levers (2, 3) separate from and connected to the basic lever (1) makes the claims indefinite “since lever 3 is not separate from the basic lever; the lever and the basic lever are form [sic] together.” (Final Office Action, page 2, lines 18-23.) The Examiner’s position is not supported by the record. Particularly, the specification clearly states that at least the lever element (2) and the basic lever (1) are separate parts, rigidly and inseparably connected together. (See, e.g., [0026], last 2 lines, [0034], lines 1-3, and Figure 2 of the Specification as filed on 11/2/2005).

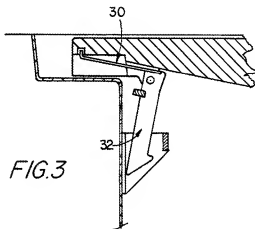
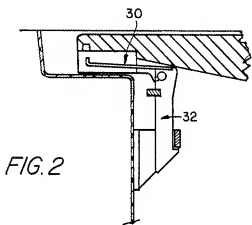
Applicant does not necessarily claim that all lever elements are separate parts but that at least one lever element is separate from the basic lever. (Compare claims 11 and 29: “said basic lever (1) and at least one said lever element(s) (2, 3) being separate parts” versus “said basic lever (1) and said additional lever(s) (2, 3) being separate parts).

Accordingly, at least for the reasons set forth in A-D above, Appellant respectfully submits the pending claims are not indefinite.

**3. Whether claims 11-28 are anticipated by U.S. Pat. No. 4,739,896 to Moss (“Moss”).**

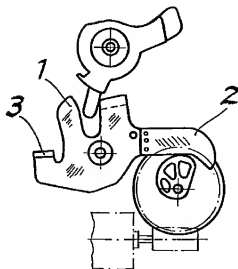
Moss is directed to a subsurface chamber defined below a surface across which aircraft travel and to a fastening mechanism therefor. The fastening mechanism includes an operating element (30) which is connected to a latch (32). (See figure below, Figs. 2 and 3 of Moss, with extraneous references removed for clarity). In this way, the lever (30) and the latch (32) together form a bell crank structure. In particular, when a user directs an upward pressure on the operating element (30), the latch (32) rotates clockwise into an unlatched position (See, Fig. 3). When a

user releases the lever (30), the lever (30) falls under the force of gravity, and the latch (32) rotates counterclockwise into a latched position (See, Fig. 2).



3.1 Independent claims 11 and 20, and dependent claims 12-19, and 21-28

Appellant's independent claims 11 and 20, and dependent claims 12-19 and 21-28, teach a multifunctional lever (or a vehicle door latch) comprising a basic lever (1) for performing an actuating function; and one or more lever element(s) (2, 3) for performing one or more actuating functions. (See figure below, Appellant's Fig. 2 with extraneous reference numbers removed for clarity).



Moss does not teach all the claim limitations of Appellant's claims. Specifically, in Moss, neither the lever (30) nor the latch (32) carries out any actuating functions. The lever (30) is actuated by a user, but it does not perform any actuating functions. Similarly, latch (32) acts as a latch, i.e., shuttles between a latched position and an unlatched position, but it does not perform any actuating functions. (An "actuating function" using a standard dictionary definition is a function of "putting something into motion" or "activating" something. See, e.g., <http://www.thefreedictionary.com/actuating>, or <http://en.wiktionary.org/wiki/actuate>). The lever (30) and the latch (32) form a bell crank mechanism for the sole purpose of bringing the latch handle close to the tarmac surface so that a user can easily open the subsurface chamber.

In the final Office action the Examiner argues that "the basic lever and the lever *elements are capable of* performing an actuating function." (Office Action of 3/11/09, page 5, lines 17-18, emphasis added). However, Applicant is not claiming that the basic lever (1) and one or more lever elements (2, 3) are merely capable of performing actuating functions but are not performing any; rather Applicant is positively claiming "a basic lever (1) for performing an actuating function" and "one or more lever element(s) (2, 3) for performing one or more actuating functions".

Since at least these limitations of the pending claims are not taught or recited by Moss, Moss does not anticipate the pending claims 11-28.

### 3.2 Dependent claims 16 and 25

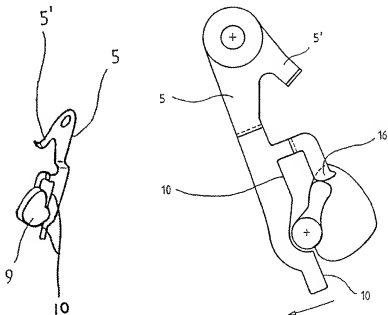
Appellant's claims 16 and 25 teach additionally that the multifunctional lever comprises three or more lever elements. Moss does not teach this claim limitation because even assuming *arguendo* that the lever (30) and the latch (32) carried out actuating functions and that the combination of the lever (30) and the latch (32) read on claims 11 and 20, there would still be only 2 lever elements, and not three or more separate elements for performing actuating functions, being rigidly and inseparably connected together, as required by Appellant's claims 16 and 25. Accordingly, Moss does not anticipate the pending claims 16 and 25.

**4. Whether claims 11-36 are unpatentable under 35 U.S.C. 103(a) over U.S. Pat. No. 6,641, 184 to Erices et al. ("Erices '184") in view of U.S. Pat. No. 4,739,896 to Moss ("Moss").**

The factual determinations underpinning the legal conclusion of obviousness include 1) the scope and content of the prior art, 2) the level of ordinary skill in the art, 3) the differences between the claimed invention and the prior art, and 4) evidence of secondary factors, also known as objective indicia of non-obviousness. See, Esai Co., Ltd. v. Dr. Reddy's Laboratories, Ltd., 533 F.3d 1353 (Fed. Cir. 2008) citing Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966).

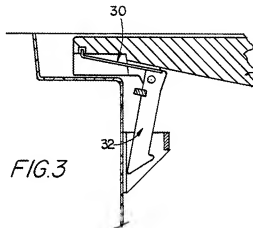
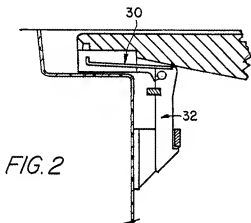
The Scope and Content of the Prior Art

Erices '184 discloses a motor vehicle electric door lock including a detent pawl lever (5) with a driver arm (5'), an actuating section (10), and a blocking piece (16). (See figure below, Erices '184, Fig. 3 with extraneous reference numbers removed for clarity).



The detent pawl lever (5) is a single metal piece profiled so that the actuating section is in one plane, and the driver arm (5') extends into another plane. (See, Erices col. 6, lines 54-62).

Moss is directed to a subsurface chamber defined below a surface across which aircraft travel and to a fastening mechanism therefor. The fastening mechanism includes an operating element (30) which is connected to a latch (32). (See figure below, Figs. 2 and 3 of Moss, with extraneous references removed for clarity).



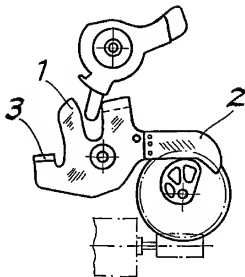
In this way, the lever (30) and the latch (32) together form a bell crank structure. In particular, when a user directs an upward pressure on the operating element (30), the latch (32) rotates clockwise into an unlatched position (See, Fig. 3). When a user releases the lever (30), the lever (30) falls under the force of gravity, and the latch (32) rotates counterclockwise into a latched position (See, Fig. 2).

#### The Level of Ordinary Skill in the Art

A person of ordinary skill in the art with respect to claims 11-36 is a mechanical technician. Ordinary skill in the mechanical arts, and particularly in mechanical arts as applied to vehicle door latches, is generally low. In general, and apart from special circumstances, mechanical technicians are not able to accurately and unambiguously optimize the structure of levers with respect to reliability and cost savings. This is to say also that the mechanical arts are often unpredictable.

#### The Differences between the Claimed Invention and the Related Art

Appellant's independent claims 11 and 29, and dependent claims 12-19, and 30-36 teach a multifunctional lever (or a vehicle door latch) comprising a basic lever (1) for performing an actuating function; and one or more lever element(s) (2, 3) for performing one or more actuating functions, the basic lever (1) and at least one said lever element(s) (2, 3) being separate parts; and the basic lever (1) and said lever element(s) (2, 3) being rigidly and inseparably connected together. Appellant's independent claim 20, and dependent claims 21-28 teach a multifunctional lever comprising: a basic lever (1) for performing an actuating function; and one or more additional lever(s) (2, 3) for performing one or more actuating functions; wherein at least one said additional lever(s) (2, 3) are riveted, bolted, clipped, snapped-in, welded or glued to said basic lever (1) (See figure below, Appellant's Fig. 2 with extraneous reference numbers removed for clarity).



Thus, the difference between the claimed invention and the related art lies in that the related art does not teach or recite that

- the basic lever (1) performs an actuating function;
- one or more lever element(s) (2, 3) perform one or more actuating functions;
- the basic lever (1) and at least one said lever element(s) (2, 3) are separate parts;
- the basic lever (1) and said lever element(s) (2, 3) are rigidly and inseparably connected together; and

- at least one additional lever(s) (2, 3) are riveted, bolted, clipped, snapped-in, welded or glued to said basic lever (1).

Particularly, in Erices '184, the pawl lever (5) is a single metal piece that includes a driver arm (5'), an actuating section (10), and a blocking piece (16). None of these elements are separate parts rigidly and inseparably connected together, or riveted, bolted, clipped, snapped-in, welded or glued together. While in Moss, the lever (30) and the latch (32) are rigidly and inseparably connected together, they are not separate parts because one is an extension of the other and both perform the same function (bell crank function).

In addition, a skilled artisan would not be motivated and would lack the expectation to succeed in combining the teachings of Moss with those of Erices because the detent pawl lever (5) is sufficient for the purpose it achieves and modifying it by first cutting off the driver arm (5'), the actuating section (10), and the blocking piece (16) and then reattaching them in a rigid and inseparable manner, would be counterproductive and would necessarily weaken the lever. A skilled artisan would not be expected and would not be motivated to cut off the driver arm (5'), the actuating section (10), and the blocking piece (16) from the pawl lever (5) and then reattach them in a rigid and inseparable manner, since this serves no real purpose within the parameters of Erices '184 and Moss, and it would have the opposite effect that is sought after by Applicant with respect to production efficiency. This is particularly so in light of the relatively high level of skill required to optimize production efficiency.

Appellant's invention is based on the fact that smaller multifunctional levers, such as the one shown in Appellant's FIG. 1 (with 3 arms), can be extended when this is needed by attaching to it rigidly and inseparably a separate lever element, as shown in FIG. 2 (as shown in FIG. 2, lever element (2) has been attached to the lever element shown in FIG. 1). While various one-membered levers are known from prior art, Applicant's invention solves the technological problem applicable, e.g., in vehicle door lock production, wherein in basic car models a single basic lever is needed for mechanical actuation, but in luxury models in addition to the single basic lever for mechanical actuation, additional levers are needed for electric actuation.



Manufacturing two different basic levers is not as cost efficient as manufacturing a single basic lever and riveting, bolting, etc., to the basic lever (1) additional lever(s) (2, 3) as a separate production step according to demand. Applicant's limitation of riveting, bolting, etc., additional lever(s) (2, 3) to the basic lever (1) is not a mere design choice but is rather a cornerstone of the design of the multifunctional lever and carries patentable weight.

Neither Erices nor Moss teach that levers can be modified post-production, by adding separate lever elements in rigid and inseparable manner to arrive at lever elements that have additional functions. Appellant denies that this is well-known in the related arts.

### CONCLUSION

For at least the reasons set forth above, the rejections by the Examiner should be reversed.

Customer Number: **33,794**

Respectfully Submitted,

/Matthias Scholl/

Dr. Matthias Scholl, Esq.  
Reg. No. 54,947  
Attorney for Appellant

Date: September 3, 2009

**VIII. CLAIMS APPENDIX**

11. A multifunctional lever comprising:
  - a basic lever (1) for performing an actuating function; and
  - one or more lever element(s) (2, 3) for performing one or more actuating functions;
  - said basic lever (1) and at least one said lever element(s) (2, 3) being separate parts; and
  - said basic lever (1) and said lever element(s) (2, 3) being rigidly and inseparably connected together.
12. The multifunctional lever of claim 11, wherein said basic lever (1) is made of metal or plastic, or a combination of metal and plastic.
13. The multifunctional lever of claim 11, wherein one or more said lever element(s) (2, 3) are made of metal or plastic, or a combination of metal and plastic.
14. The multifunctional lever of claim 12, wherein one or more said lever element(s) (2, 3) are made of metal or plastic, or a combination of metal and plastic.
15. The multifunctional lever of claim 11 comprising two or more lever elements.
16. The multifunctional lever of claim 11 comprising three or more lever elements.

17. The multifunctional lever of claim 11, wherein said basic lever (1) and said one or more lever element(s) (2, 3) have the same axis of rotation.
18. The multifunctional lever of claim 11, wherein said one or more lever element(s) are rigidly connected to said basic lever (1).
19. The multifunctional lever of claim 11, wherein said one or more lever element(s) are mechanically actuated.
20. A multifunctional lever comprising:
  - a basic lever (1) for performing an actuating function; and
  - one or more additional lever(s) (2, 3) for performing one or more actuating functions;
  - wherein at least one said additional lever(s) (2, 3) are riveted, bolted, clipped, snapped-in, welded or glued to said basic lever (1).
21. The multifunctional lever of claim 20, wherein said basic lever (1) is made of metal or plastic, or a combination of metal and plastic.
22. The multifunctional lever of claim 20, wherein one or more said lever element(s) (2, 3) are made of metal or plastic, or a combination of metal and plastic.

23. The multifunctional lever of claim 21, wherein one or more said lever element(s) (2, 3) are made of metal or plastic, or a combination of metal and plastic.
24. The multifunctional lever of claim 20 comprising two or more lever elements.
25. The multifunctional lever of claim 20 comprising three or more lever elements.
26. The multifunctional lever of claim 20, wherein said basic lever (1) and said one or more lever element(s) (2, 3) have the same axis of rotation.
27. The multifunctional lever of claim 20, wherein said one or more lever element(s) are rigidly connected to said basic lever (1).
28. The multifunctional lever of claim 20, wherein said one or more lever element(s) are mechanically actuated.
29. A vehicle door latch comprising:
  - a catch (10);
  - a pawl (4);
  - a basic lever (1) for performing an actuating function; and
  - one or more additional lever(s) (2, 3) for performing one or more actuating functions;
  - said basic lever (1) and said additional lever(s) (2, 3) being separate parts; and

said basic lever (1) and said additional lever(s) (2, 3) being rigidly and inseparably connected together.

30. The vehicle door latch of claim 29, wherein said one or more additional lever(s) (2, 3) are riveted, bolted, clipped, snapped-in, welded or glued to said main lever (1).
31. The vehicle door latch of claim 29, wherein said basic lever (1) is made of metal or plastic, or a combination of metal and plastic and one or more said lever element(s) (2, 3) are made of metal or plastic, or a combination of metal and plastic.
32. The vehicle door latch of claim 29, wherein one said lever element (2) is attached to a driving wheel (5), said driving wheel being motor-driven.
33. The vehicle door latch of claim 32, wherein an electrical motor (6) having a worm gear (7) acts upon said driving wheel (5), said driving wheel (5) comprising further a gear rim or a gear rim section.
34. The vehicle door latch of claim 33, wherein said driving wheel (5) comprises further a radial cam (8) for interacting with said lever element (2).
35. The vehicle door latch of claim 29, wherein said one or more lever element(s) are mechanically actuated.

36. The vehicle door latch of claim 29, wherein said one or more lever element(s) are electrically actuated.

**IX. EVIDENCE APPENDIX**

None

**X. RELATED PROCEEDINGS APPENDIX**

None